THE order For Swannes

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1617

THIS

Order for

Summons

THE ORDER FOR SVVANNES BOTH BY THE STATUTES, and by the auncient Orders *and Customes vsed within the* Realme of ENGLAND.

FIRST, Yee shall enquire, if there be any person, that doth possesse any Swanne, and hath not compounded with the Kings Maiestie for his Mark (that is to say) fiue shillings eight pence, for his Marke, during his life: If you know any such you shall present them, that all such Swannes and Cignets, may be seazed for the King.

2 Also, you shall enquire, if any person doth possesse any Swan, or Cignet, that may not dispend the cleare yearely value of fiue Markes of Free-hold, except Heire apparant to the crowne: then you shall present him. 22. Edward 4.

3 Also, If any person or persons, doe driue away any Swanne, or Swannes, breeding, or prouiding to breede; be it vpon his own ground, or any other mans ground: he, or they, so offending, shall suffer one yeeres imprisonment, and fine at the Kings pleasure, thirteene shillings foure pence, 11. Henty 7.

4 If there be found any Weares vpon the Riuers, not hauing any Grates before them; It is lawfull for euery Owner, Swanne-maisters, or Swanne herdes, to pull vp, or cut downe the Birth-net, or Gynne of the said Weare, or Weares.

5 If any person, or persons, be found carrying any Swan-hooke, and the same person being no Swan-herd, nor accompanied with two Swan-herds: every such person shall pay to the King, Thirteene shillings foure pence, (that is to say) Three shillings foure pence to him that will informe; and the rest to the King.

6 The auncient custome of this Realme hath and doth allow to every owner of such ground where any such Swan shall heirie, to take one Land-bird; and for the same, the Kings Maiestie must haue of him that hath the Land-bird, Twelue pence, Be it vpon his own ground, or any other.

7 It is ordained, that if any person, or persons, do conuey away, or steale away the Egge, or Egges of any Swannes, and the same being duely proued by two sufficient witnesses, that then every such offendor shall pay to the King thirteene shillings foure pence, for every Egge so taken out of the Nest of any Swanne.

8 It is ordained, that every owner that hath any Swannes, shall pay every yeare yearely for every Swan-marke, foure pence to the Maister of the Game for his Fee, and his dinner and supper free on the Upping daies: And if the said maister of the Game faile of the foure pence, then he shall distraine the Game of every such Owner, that so doth faile of payment.

9 If there be any person, or persons, that hath Swannes, that doe heirie vpon any of their seuerall waters, and after come to the common Riuer, they shall pay a Land-bird to the King, and bee obedient to all Swanne Lawes: for diuers such persons doe vse collusion, to defraud the King of his right.

10 It is ordained, that every person, hauing any Swans, shall begin yearely to marke, vpon the first of August, and no person before; but after, as conueniently may be, so that the Maister of the Kings Game, or his Deputy, be present. And if any take vpon him, or them, to marke any Swanne or Cignet, in other manner, to forfeite to the Kings Maiestie for every Swanne so marked, forty shillings.

11 It is ordained, that no person or persons, being Owners, or Deputies, or Seruants to them, or other, shall goe on marking without the Maister of the Game, or his Deputie be present, with other Swan-herds next adioyning, vpon paine to forfeit to the Kings Maiestie, forty shillings.

12 It is ordained, that no person shall hunt any Duckes, or any other Chase in the water, or neere the haunt of Swannes in Fence-time, with any Dogge or Spaniels: *viz.* from the Feast of Easter to Lammas: upon paine for every time so found in hunting, to forfeite six shillings eight pence.

13 It is ordained, that if any person doth set any snares, or any manner of Nets, Lime, or Engines, to take Bittorns or Swans, from the Feast of Easter, to the Sunday after Lammas day; Hee or they to forfeit to the Kings Maiestie for every time so setting, six shillings eight pence.

14 It is ordained, that no person take up any Cignet unmarked, or make any sale of them, but that the Kings Swan-herd, or his Deputie be present, with other Swan-herds next adioining, or haue knowledge of the same: upon paine to forfeit to the Kings Maiestie forty shillings.

15 It is ordained, that the Swan-herdes of the Duchie of Lancaster, shall vp no Swanne, or make any sale of them, without the Maister of the Swannes or his Deputy bee present: upon paine to forfeite to the Kings Maiestie fortie shillings.

16 And in like maner, the Kings Swan-herd shall not enter into the Libertie of the Duchie, without the Duchies Swan-herd bee there present: upon the like paine to forfeite forty shillings.

17 It is ordained, that if any Swannes or Cignets, bee found double marked, they shall be seazed to the Kings vse, till it be proued to whom the same Swannes or Cignets doe belong: And if it cannot be proued to whom they doe belong, that then they be seazed for the King, and his Grace to be answered to the value of them.

18 It is ordained, that no person make sale of any white Swans, nor make deliuery of them, without the Maister of the Game be present, or his Deputy, with other Swan-herdes next adioining; upon paine to forfeit forty shillings: whereof six shillings eight pence to him that will informe; and the rest, to the Kings Maiestie.

19 It is ordained, that no person shall lay Leapes, set any Nets, or Dragge, within the common Streames or Riuers upon the day time, from the Feast of the Inuention of the Crosse, vnto the Feast of Lammas: upon paine so oft as they be found so offending, to forfeit twenty shillings.

20 It is ordained, that if the Maister of the Swannes, or his Deputy, do seaze, or take vp any Swannes, as strayes, for the Kings Maiestie, that he shall keepe them in a Pit within 20. foote of the Kings Streame, or within 20. foote of the Common High-way, that the Kings subiects may haue a sight of the said Swannes so seazed, vpon paine of fortie shillings.

21 It is ordained, That if any person doe raze out, counterfeit, or alter the marke of any Swanne, to the hindering or losse of any mans Game, and any such offendor duely proued before the Kings Maiesties Commissioners of Swannes, shall suffer one yeares imprisonment, & pay three pound sixe shillings eight pence, to the King.

22 It is ordained, That the commons (that is to say) Dinner and supper, shall not exceede aboue twelue pence a man at the most: If there be any Game found where the dinner or supper is holden, vpon that Riuer, the owner being absent, and none there for him, the Maister of the Game is to lay out eight pence for him, and hee is to distraine the Game of him that faileth the paiment of it.

23 It is ordained, That there shall be no forfeiture of any white Swanne, or Cignet, but onely to the Kings Grace, as well within the Franchise and Liberties, as without, and if any doe deliuer the Swanne, or Cignet so seazed, to any person, but onely to the Maister of the Kings Game, or to his Deputie, to the Kings vse; He is to forfeit sixe shillings eight pence, and the Swannes to bee restored vnto the maister of the Game.

24 It is ordained, that no person shall take any gray Swannes or Cignets, or white Swannes flying, but that he shal within foure dayes next after, deliuer it, or them, to the Maister of the Kings Game, and the Taker to haue for his paines eight pence. And if hee faile, and bring him not, he forfeits forty shillings to the King.

25 It is ordained, that no person, hauing any Game of his own, shall bee Swan-herd for himselfe, nor keeper of any other mans Swannes: vpon paine to forfeit to the Kings Maiesties forty shillings.

26 It is ordained, That no Swan-herd, fisher, or fowler, shall vexe any other Swan-herd, fisher, or fowler, by way of action, but onely before the Kings Maiesties Iustices of Sessions of Swannes: vpon paine of forfeiting to the Kings Grace, fortie shillings.

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27 The Maister of the Kings Game, shall not take away any vnmarked Swan coupled with any other mans Swan, for breaking of the brood: and when they doe Heirie, the one part of the Cignets to the King, and the other to the owner of the marked Swanne.

28 Also, any man whatsoeuer hee be, that killeth any Swanne with dogge, or Spaniels, shall forfeite to the King forty shillings, the owner of the Dogge to pay it, whether he be there or no. Also, the Maister of the Swannes, is to haue for euery white Swanne and gray vpping, a penny, and for euery Cignet, two pence.

29 It is ordained, that if any Heirie be leyed with one Swan, the Swan and the Cignets shall bee seazed for the King, till due proofe be had whose they are, and whose was the Swanne, that is away; Be it Cobbe or Pen.

30 Lastly, If there bee any other misdemeanour, or offence committed or done by any owner of any Game, Swan-herd, or other person whatsoeuer, contrary to any law, ancient custome, or vsage heretofore vsed and allowed, and not before herein particularly mentioned or expressed, you shall present the same offence, that reformation may be had, and the offendors punished, according to the quantitie and qualitie of the seuerall offences.

FINIS.

God saue the King.